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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,877	06/11/2002	Gerd Ehnert	306.4124 X00	5659

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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,877

Applicant(s)

EHNERT ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amdt. A, filed 3-1-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-11, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoops et al (4141929) alone.

The cited reference teaches the basic claimed invention including sheet molding compound consisting of a resin matrix reinforced with unidirectional fibers arranged axially and additional cut and random fibers – col 1, line 54- col 2, line 10; col 4, lines 65- col 5, line 4. see entire reference. It is submitted that the cited reference teaches several layer with respective fibers arranged in different directions, therein. Concerning claim 2, the cited reference teaches the claimed limitations in col 3, lines 22-27; col 2, lines 3-5.

Concerning claim 3, the cited reference teaches the claimed limitations in col 3, lines 3-5. Concerning claims 4 and 5, the cited reference teaches the claimed limitations in col 3, lines 22-27. Concerning claim 6, the cited reference teaches the claimed limitations in col 3, lines 35-40. Concerning claims 9, the cited reference teaches the limitations in col 2, lines 3-5. Concerning claim 10, the cited reference teaches the claimed limitations in col 3, lines 36-41. Concerning claim 11, the cited reference teaches the claimed limitations in col 2, lines 12-60. it is submitted that same additives, as taught by the reference, could include conductive matter, in the absence of unexpected results. Concerning claims 25 and 26, the cited reference teaches the claimed limitations in col 5, lines 13-16. See entire reference. Concerning claims 7, 23 and 24, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention is made to utilize similar sized/shaped apparatus, as claimed, in the absence of unexpected result. Such utilization would produce similar, if not identical, claimed products. Likewise, concerning claim 8, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the

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invention is made to utilize similar well known type material/resin, as claimed, in the absence of unexpected result. Such utilization would produce similar, if not identical.

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Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoops et al(4141929) alone .

The cited reference teaches the basic claimed process including forming layered SMC product by piling respective layers on each other containing fibers of designated alignment/orientations – col 5, lines 5-40; col 6, lines 59-62; claim 1, 7-9 and fig. 1. Concerning claims 14,16 and 18, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention is made to facilitate the patented invention with similarly claimed layers, in the absence of unexpected results and further for the reason that such claimed article limitations are directed to dissimilarly claimed limitations of no patentable consequence to the instant question for patentability. The instant question for patentability is directed to manipulative limitations, not article limitations. Concerning claim 22, similarly , it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention is made to employ similarly claimed device during its patented process, in the absence of unexpected results and further for the reason that such claimed article limitations are directed to dissimilarly claimed limitations of no patentable consequence to the instant question for patentability. Concerning claim 20, the cited reference teaches the claimed limitations in col 2, lines 24-27. concerning claim 22, the cited reference teaches the claimed limitations in col 4, lines 1-4; see entire reference.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tierney(3183142) and Carley(4532169) are cited of interest for their respective teachings as set forth and additionally to show the state of the art.

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#### **Crystal Plaza Three Fax Center**

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1700. The Patent Examining Fax Center new télécopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989).

**New!** Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 703-872-9514. **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise noted by the examiner.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-0661.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 703-308-0013, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read "Merrick Dixon". The signature is fluid and cursive, with a large, stylized "M" and "D".

Merrick Dixon

Primary Examiner

Group 1700